

February 18, 2021

Via Electronic Filing

Honorable Mark A. Hoyer
Deputy Chief Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222
mhoyer@pa.gov

Honorable Emily I. DeVoe
Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 5th Avenue
Pittsburgh, PA 15222
edevoe@pa.gov

Re: Docket No. M-2020-3020830, Petition of PECO Energy Company for Approval of its Act 129 Phase IV Energy Efficiency and Conservation Plan
NRDC Letter of Non-Opposition to Settlement, No Main Brief

Dear Judge Hoyer and Judge DeVoe,

The purpose of this letter is to notify Your Honors and the Commission that Natural Resources Defense Council (NRDC) does not oppose the Joint Petition for Settlement in this proceeding.

NRDC was actively involved in settlement negotiations in this proceeding, and is supportive of many of the provisions incorporated into the Joint Petition for Settlement agreed to by PECO Energy Company, the Office of Consumer Advocate, the Office of Small Business Advocate, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania, and the Philadelphia Area Industrial Energy Users Group. We note in particular the *Pilots to Incentivize Comprehensive Projects* (paragraphs 10-14), which is responsive to the Commission's findings in its Phase IV Implementation Order that "more comprehensive programs are beneficial to electric customers" and its encouragement to EDCs to "consider implementing a comprehensive mix of measures."¹ While NRDC was ultimately unable to join the Settlement, we nevertheless stand in non-opposition thereto. NRDC's position of non-opposition to this Settlement is conditioned on the approval of the Commission to the terms and conditions contained therein, and we note that disruption to the delicate balance of the parties' many and varied interests in this proceeding may impact our position of non-opposition.

¹ Docket No. M-2020-3015228, Energy Efficiency and Conservation Program, Implementation Order, June 18, 2020, page 22.

We also hereby advise Your Honors and the Commission that NRDC will not be filing a Main Brief in this proceeding. NRDC reserves the right to file a Reply Brief to the extent necessary to respond to the Main Briefs of other parties to this proceeding.

Respectfully submitted this 18th day of February, 2021.

/s/ James M. Van Nostrand

James M. Van Nostrand
Pennsylvania Bar # 327054
Keyes & Fox LLP
320 Fort Duquesne Blvd, Suite 15K
Pittsburgh, PA 15222-1126
Phone: (304) 777-6050
Email: jvannostrand@keyesfox.com

*Counsel to Natural Resources Defense
Council*

cc: Secretary Rosemary Chiavetta, via efile
Certificate of Service

/s/ Mark C. Szybist

Mark C. Szybist
Pennsylvania Bar # 94112
Natural Resources Defense Council
1152 15th Street, Suite 300
Washington, DC 20005
Phone: (570) 447-4019
Email: mszybist@nrdc.org

CERTIFICATE OF SERVICE

Petition of PECO Energy Company for :
Approval of its Act 129 Phase IV Energy : Docket No. M-2020-3020830
Efficiency and Conservation Plan :

I hereby certify that this day I served a copy of forgoing document in accordance with the requirements of 52 Pa. Code § 1.54 and consistent with the Commission’s March 20 Emergency Order at Docket M-2020-3019262.

Via Electronic Mail

Hon. Mark A. Hoyer
Deputy Chief Administrative Law Judge
Hon. Emily DeVoe
Administrative Law Judge
400 North Street
Harrisburg, PA 17120
mhoyer@pa.gov
edevoe@pa.gov

Anthony Gay, Esq.
Jack R. Garfinkle, Esq.
PECO Energy Company
2301 Market Street
PO Box 8699
Philadelphia, PA 19103
Anthony.Gay@exeloncorp.com
Jack.Garfinkle@exeloncorp.com

Laura J. Antinucci, Esq.
Aron J. Beatty, Esq.
Acting Consumer Advocate
Office of Consumer Advocate
555 Walnut Street
5th Floor Forum Place
Harrisburg, PA 17101
lantinucci@paoca.org
abeatty@paoca.org

Kenneth M. Kulak, Esq.
Catherine G. Vasudevan, Esq.
Morgan, Lewis & Bockius, LLP
1701 Market Street
Philadelphia, PA 19103-2921
ken.kulak@morganlewis.com
catherine.vasudevan@morganlewis.com

Representing PECO Energy Company

Richard A. Kanaskie, Esq.
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120
rkanaskie@pa.gov

Steven C. Gray, Esq.
Office of Small Business Advocate
555 Walnut Street
1st Floor, Forum Place
Harrisburg, PA 17101
sgray@pa.gov

Elizabeth R. Marx, Esq.
John W. Sweet, Esq.
Ria Pereira, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101
emarxpulp@palegalaid.net
jsweetpulp@palegalaid.net
rpereirapulp@palegalaid.net
pulp@palegalaid.net

Representing CAUSE-PA

Derrick Price Williamson, Esq.
Barry A. Naum, Esq.
Spilman Thomas & Battle PLLC
1100 Bent Creek Blvd., Suite 101
Mechanicsburg, PA 17050
dwilliamson@spilmanlaw.com
bnaum@spilmanlaw.com

Representing IECP

Date: February 18, 2021

Kinteshia S. Scott, Esq.
Joline Price, Esq.
Robert W. Ballenger, Esq.
Jose B.H. Pickens, Esq.
Community Legal Services
1424 Chesnut Street
Philadelphia, PA 19102
kscott@clsphila.org
jpickens@clsphila.org
jprice@clsphila.org
rballenger@clsphila.org

Representing TURN

Adeolu A. Bakare, Esq.
Jo-Anne Thompson, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA
abakare@mwn.com
jthompson@mcneeslaw.com

Representing PAIEUG

/s/ Blake Elder
Blake Elder